IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20490 of 2004

Between:

M/s Priyadarshini Cement Limited, Ramapuram, Nalgonda District. rep.by the Advisor - Corporate Affairs, Mr.G.Ramachandran

..... PETITIONER

AND

1 The Assistant Commissioner (CT) LTU, Nalgonda Division, Nalgonda
2 The Appellate Deputy Commissioner (CT), Hyderabad Rural Division, Hyderabad
3 The Additional Commissioner (CT) Legal, Andhra pradesh, Nampally, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate Writ or Order or direction quashing the order of the 3rd respondent in CCT's Ref.No.LIII(3)/1938/2004 dated 19-10-2004 and forbearing the 1st Respondent from proceeding to recover the balance disputed tax of Rs.3,42,22,596/- for the assessment year 2001-02 till the disposal of the main appeal pending before the 2nd respondent.

Counsel for the Petitioner: MR.S.DWARAKANATH

Counsel for the Respondent Nos.1 to 3: G.P. FOR COMMERCIAL TAXES.

The Court, at the stage of admission, made the following:

Oral Order: (Per: The Hon'ble Mr. Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending appeal, application for stay was dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of eight weeks. The amount, if any paid by the petitioner, shall be deducted from the amount to be deposited. For eight weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within eight weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

_____

BILAL NAZKI, J

_____

S. ANANDA REDDY, J

Dt. 08-11-2004

Pvks/*

Nb:- Operative portion by wire at party’s cost.

B/o pvks/*

To

1 The Assistant Commissioner (CT) LTU, Nalgonda Division, Nalgonda
2 The Appellate Deputy Commissioner (CT), Hyderabad Rural Division, Hyderabad
3 The Additional Commissioner (CT) Legal, Andhra pradesh, Nampally, Hyderabad

4.2CCs to the Government Pleader for Commercial Taxes, A.P. High Court Buildings, Hyderabad (OUT).

5.2CD copies

*Form-NIC-OGS/WP{**VSR**}*